

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

May 29, 2001

LB 85

prohibition that Senator Schimek suggests. That does not mean, of course, that those provisions are constitutional. Now, I did not...if I were the sponsor of the bill, I see that it has the emergency clause but certainly, given concerns over Section 5, I would add a severability clause because, as things go, if I'm right and Senator Schimek and perhaps Senator Brashear or others are wrong, the whole bill would fail. But I think the far simpler approach is simply to excise Section 5 as it now stands. If we would have had time, I would certainly have asked for language to be drafted that would conform contractors who were going to deal with prisoners from another state or federal prisoners to the Nebraska regulations. That approach, I think, is valid; the approach that's in Section 5 is not valid, in my estimation, and since we're so short on time my only...my only option that I'm able to offer you is to simply excise that particular section. Be happy to try to respond to questions, if you wish. But I think it is far simpler just to excise Section 5, unless by some miracle we had a little bit more time and could draft the alternative and that is to subject contractors in all circumstances to an appropriate set of rules and regulations, whether or not they are housing state of Nebraska prisoners, whether they're housing federal prisoners, or prisoners from some other state.

PRESIDENT MAURSTAD: Thank you, Senator Wickersham. For debate on the Wickersham amendment, Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, a state, under its police power, is allowed to do things which ordinarily would not be permissible. When it comes to bringing people into that state who have been convicted of crimes, the state has a tremendous amount that it can say. And in this instance the state cannot be compelled to allow others to bring convicted criminals into this state. I disagree with the philosophy, with the argument being made by Senator Wickersham. I do not think his amendment ought to be adopted; I do not think that Section 5 referenced in Senator Schimek's and my amendment, I'm on this amendment with her as I'm on the bill with her, should be excised. We should leave the committee amendment as it stands, leave Senator Schimek's amendment as it stands. Senator Wickersham wants to discuss this bill in terms of